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RUEHIL/AMEMBASSY ISLAMABAD 6462
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C O N F I D E N T I A L SECTION 01 OF 02 NEW DELHI 001269

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SUBJECT: INDIAN ARMY CHIEF DEMANDS END OF CUSTODIAL DEATHS
IN KASHMIR VALLEY

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Classified By: PolCouns Geoff Pyatt for reasons 1.4 (B,D)

¶1. (SBU) Custodial deaths will no longer be tolerated in the Kashmir Valley, Indian Chief of Army Staff General J.J. Singh told his field commanders on February 9. "Singh convened a meeting in Baramulla (approximately 30 miles from Srinagar) and categorically told his subordinates that custodial deaths must end," Indian Express Srinagar correspondent Muzamil Jaleel told us on February 10. Jaleel remarked that the army has been debating the issue of human rights violations by the army in the Valley and its recent directive indicates the military is serious about ending the practice of custodial killings.

¶2. C) General Singh personally gave the edict to the commanders of XV and XVI Corps based in Srinagar and Nagrota, reported Jaleel, and that it was passed to the Brigade and Sector commanders with instructions to implement the order "in letter and spirit." Jaleel opined that the most recent high-level attention to the problem will "hopefully result in something positive." Jaleel reported that the commanding officer of XV Corps, Lt. General S.S. Dhillon, known for supporting a zero tolerance policy regarding human rights abuses, told his subordinates, "error of judgment in soldierly actions are acceptable, but error of intention will be viewed very seriously."

¶3. (C) Noting the large number of alleged custodial killings in the state, Jaleel echoed Singh's statements by commenting that such human rights abuses destroy all the "good work done by the army." He remarked that the military is currently engaged in a "good will" program in the Kashmir Valley, but

each custodial killing drastically diminishes the effectiveness of the campaign. He asserted that his sources reported the army is serious about ending custodial deaths, but the effectiveness of the directive will depend on how forcefully the battalion commanders implement it.

Human Rights Activists Not Convinced

¶4. (C) Our human rights contacts were not convinced that Singh's statements will make a significant impact on the ground. J&K Coalition of Civil Society President and head of the Association of Parents of Disappeared Persons Parvez Imroze remarked that "every new incumbent says that custodial killing will not be tolerated." Since Singh has been Chief of Army Staff there have been eight custodial killings, he reported. Director of the South Asia Human Rights Documentation Center Ravi Nair also reported that the directive would not significantly decrease the number of custodial killings in the Valley. He noted that the enactment of a "zero tolerance policy" is laudable, but it is nothing new. The past Chief Minister of J&K Muftu Mohammed Sayeed and current CM Ghulam Nabi Azad both made similar statements when taking office, Nair asserted. Nair predicted that, until the Armed Forces Special Powers Act and the J&K Public Safety Act are withdrawn, some security forces will continue to commit custodial killings, because these laws provide immunity to those who commit abuses. The use of paramilitary forces in the Valley, notably the Rashtriya Rifles, results in many of those who commit custodial killings falling outside the purview of Singh's edict, Nair concluded.

Comment: A Small Step in the Right Direction

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¶5. (C) The Chief of Army Staff directive forbidding custodial killings is the latest effort by the Indian Army to improve the human rights situation in the Kashmir Valley. Along with Defense Minister Pranab Mukherjee's February 6 statement announcing the redeployment of 5000 troops from the region due to an improvement in the security situation in the state, Singh's comments suggest that the GOI is serious about overcoming its past record of human rights abuse to win the "hearts and minds" of the local population. Such a step is fully in line with the rhetoric of the current and former Chief Minister, and will help soothe tensions. In an unrelated development, army recruiting in Kashmir is at an all-time high due in part to efforts to curb human rights abuses.

¶6. (C) Singh's directive, while important, does not address custodial killings or human rights violations committed by paramilitary or police units, such as the Border Security Force, Central Reserve Police Force and the Rashtriya Rifles. In order for the GOI completely to end custodial deaths, these forces must also implement similar measures.

¶7. (U) Visit New Delhi's Classified Website:
(<http://www.state.sgov.gov/p/sa/newdelhi/>)
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